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10 AMAZON.COM, INC.

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 EOLAS TECHNOLOGIES
15 INCORPORATED,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC.,

19 Defendant.

20 Case No: 3:17-cv-03022-JST

21 **JOINT STIPULATION AND {PROPOSED}**
ORDER REGARDING SUPPLEMENTAL
BRIEFING ON EOLAS'S MOTION TO
DISQUALIFY LATHAM & WATKINS
LLP

1 Pursuant to the Court's guidance at the Case Management Conference held August 2,
 2 2017, counsel for Plaintiff Eolas Technologies Incorporated ("Eolas") and Defendant
 3 Amazon.com, Inc. ("Amazon"), met and conferred by telephone on August 4, 2017, regarding
 4 Eolas's pending motion to disqualify Latham & Watkins LLP from representing Amazon. The
 5 parties were unable to reach an agreement about what body of law should govern that motion in
 6 light of the transfer of the case to this district. Eolas's position is that California law should
 7 apply; Amazon's position is that Texas law, as already briefed, should apply. But although the
 8 parties did not reach agreement on the applicable law, they agreed on and hereby stipulate to the
 9 following course of action concerning further briefing:

10 1. In accordance with the Court's guidance, the parties will file simultaneous
 11 supplemental briefs of not more than 10 pages (excluding attachments, which would be limited
 12 to items from the prior record or unpublished legal authorities) by 5 p.m. on Friday, August 11,
 13 2017.

14 2. Those briefs will address three topics:

- 15 a. Whether Texas or California law should govern Eolas's motion to
 16 disqualify.
- 17 b. Any relevant differences between Texas and California law.
- 18 c. If the Court decides to apply California law, whether or how those
 19 differences impact the resolution of Eolas's motion.

20 3. The parties will file simultaneous response briefs of not more than 7 pages
 21 (excluding attachments, limited as noted above) by 5 p.m. on Friday, August 18, 2017. The
 22 parties will not file replies.

23 4. The parties agree, except as set forth in their supplemental briefs, that Texas and
 24 California law are substantially similar with respect to Eolas's motion to disqualify, and given
 25 that the parties have already fully developed the factual record in the existing briefing, fully re-
 26 briefing the disqualification motion is unnecessary and would waste the Court's and the parties'
 27 time and resources.

28

1 DATED: August 7, 2017

Respectfully submitted,

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8 **ATTESTATION**

9 I, Rick Frenkel, am the ECF user whose userid and password authorized the filing of this
10 document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have
11 concurred in this filing.

12 DATED: August 7, 2017

/s/ Richard Frenkel
13 Richard Frenkel

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[PROPOSED] ORDER

Plaintiff Eolas Technologies Incorporated (“Eolas”) and Defendant Amazon.com, Inc. (“Amazon”), stipulated to the following briefing schedule:

1. By 5 p.m. on Friday, August 11, 2017, Eolas and Amazon will file simultaneous briefs regarding (a) whether Texas or California law applies to Eolas's pending motion to disqualify, (b) the relevant differences between Texas and California law, and (c) how those differences impact the resolution of Eolas's motion. These briefs shall not exceed 10 pages (excluding attachments, which shall be limited to items from the prior record or unpublished legal authorities) but shall otherwise comply with Civil Local Rule 7 in all respects.
 2. By 5 p.m. on Friday, August 18, 2017, Eolas and Amazon will file simultaneous response briefs. These briefs shall not exceed 7 pages (excluding attachments, limited as noted above) but shall otherwise comply with Civil Local Rule 7 in all respects.
 3. No further briefs shall be filed without permission of the Court.

The parties' joint stipulation is GRANTED. The parties shall submit briefs pursuant to the above schedule.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 8, 2017


Honorable Jon S. Tigar
United States District Judge